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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Ray T. Briggs,)	
)	
Plaintiff)	
)	
v.)	CASE NO. <u>3:08-CV-00177-RRB</u>
)	
City of Palmer,)	
)	
Defendant)	
_____)	<u>COMPLAINT</u>

Comes Now Plaintiff's Ray Briggs, as counsel pro se and
for his Cause would allege and State as Follows:

1. Plaintiff is Citizens of the United States, and a
Resident of the State of Alaska.
2. City of Palmer is a Corporate Entity authorized to
Conduct itself as a Home Rule Municipality in the State of
Alaska.
3. City of Palmer has engaged an a Grant Agreement
with the Federal Aviation Administration for Funding to
Construct a Public Airport.
4. On Information and belief, City of Palmer has one
of only

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six Airports in the State of Alaska listed by FAA as Federal Inventory.

5. Plaintiffs seeks the Injunctive Remedies identified under the Federal Freedom of Information Act (**5 USC 522**) and the Alaska Public Records Act (**AS 09.25.110**)

Jurisdiction

Plaintiff would assert that this case presents Federal Question and this Court has Jurisdiction under 28 USC 1331.

Cause of Action

Plaintiff on June 3rd, 2008 submitted a Request to City of Palmer for Production of Public Records, requesting:

"All Recordings of the Airport Advisory Commission Meetings, and Special Meetings, also all meetings with Dowl Engineers on the Airport Master Plan and Public Meetings for the same from January 1st, 2005 to May 29th, 2008".

On June 14th, 2008, City of Palmer notified Plaintiff the Records he had requested were ready to be pick up by him, and notified him of the costs to be paid for such records. (Exhibit "A")

Plaintiff Picked up the Records and paid the requested Costs for the Records.

On Review of the Records, Plaintiff found while they assert full production, the production was Unresponsive to his Request.

City of Palmer gave no indication of withholding records, no reason for withholding records and cited no Procedure should plaintiff seek to appeal the withholding of records.

The Records produced did not contain:

- 1 over a Year of Public Records for the Airport Advisory Meetings, or
- 2 the Public Hearings and Meetings conducted in connection with DOWL Engineering and the Airport Master Plan being developed.
- 3 The Recordings produced, were not produced in the manner in which they are kept in the usual course of Business, rather were inaudible monotone recordings.
- 4 The Printed Material produced contained glaring Errors and Omissions.
- 5 Plaintiff called the Airport Manager on three occasions and left Messages on her recorder, informing her of the errors in the production, and requesting the recordings for the Meetings of 2006 which relate to Minutes which were provided.

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6 Plaintiff attempted to go to the next Airport Advisory Board Meeting on June 26th, 2008 to voice his concerns about the matter, but the meeting was canceled.

Plaintiff then on June 30th, 2008, contacted his Local Representative who informed him it was not a matter they could help him with and informed him to contact the Ombudsmans Office about the matter.

Plaintiff then on June 30th, 2008, contacted the Ombudsman's Office and was informed they could not assist him and informed him to contact the City Clerks Office and the Mayors Office about the matter.

Plaintiff on June 30th, 2008, then contacted the City Clerks Office and the City Mayors Office about the matter, and left messages on their Recorders.

The City Mayor Mr. Combs on July 2nd, 2008 returned plaintiffs call and informed plaintiff he would check into the matter and get back with him by that Friday July the 7th, 2008.

Plaintiff then on July 15th, 2008 went to a Combined Airport Advisory Board/City Counsel Meeting, which was also attended by the City's Attorney, convened by the City to Approve the Airport Master Plan Update in Progress.

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Plaintiff voiced his concerns to the City at such meeting and requesting the production of the requested Records or Plaintiff would be compelled to take the issue to the court.


Plaintiff has waited and has neither received the Materials Requested, or any explanation as to why the Records are not being produced.

Prayer for Relief

1. Plaintiff therefore turns to this Court for assistance and pray's for an injunctive Order against Defendants prohibiting them from withholding those Public Records Requested.

3. Plaintiff further prays for the award of Costs and Fees.

Signed and Dated this 28th Day of July, 2008



Ray T. Briggs, pro se